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OFFICE OF PETITIONS

In re Application of

Masaki Kakihara, et al.

Application No. 09/819,827

Filed: March 29, 2001

Attorney Docket No. P279165TYF-9951

**DECISION ON PETITION** 

UNDER 37 CFR 1.78(a)(3)

This is a decision in response to the renewed petition, filed October 24, 2005, under 37 CFR 1.78(a)(3) to accept an unintentionally delayed claim under 35 U.S.C. § §120 and 365(c) for the benefit of a prior-filed PCT application.

A review of the record discloses that a petition under 37 CFR 1.78(a)(3), filed December 1, 2004, was dismissed in a decision mailed May 11, 2005. On October 24, 2005, the present petition was filed. The application issued as U.S. Patent No. 6,959,282 on October 25, 2005. Unfortunately, the present petition was not received in sufficient time to accept the delayed claim under 35 U.S.C. § §120 and 365(c). Therefore, petitioner is encouraged to submit a Certificate of Correction (and \$100 fee) to include the benefit claim for PCT Application No. PCT/JP99/05580, filed October 8, 1999.

## The petition is **DISMISSED**.

This decision is made without prejudice to reconsideration upon the filing of a renewed petition under 37 CFR §1.78(a)(3) and a Certificate of Correction, including the \$100 fee.

Further correspondence with respect to this matter should be addressed as follows:

By mail:

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The centralized facsimile number is (571) 273-8300.

Any questions concerning this matter may be directed to Sherry D. Brinkley at (571) 272-3204.

Sherry D. Brinkley Petitions Examiner Office of Petitions

Lead, Petitions Examiner Office of Petitions

Attachment: Blank Certificate of Correction Form